

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES M. FLINN,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CV-402
)	(PHILLIPS/SHIRLEY)
WILLIAM ANDREW CORBITT, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

This matter is before the Court on the Plaintiff's Motion for Permission to Appeal *In Forma Pauperis* [Doc. 82], which has been referred to this Court by order [Doc. 84] of the District Court, pursuant to 28 U.S.C. § 636(b) and the Rules of this Court, for disposition or for report and recommendation as may be appropriate.

In his Motion, the Plaintiff asks to proceed on appeal without payment of fees or costs. The Plaintiff has provided an affidavit that includes a statement of his total assets, debts, and income and demonstrates that the Plaintiff's current financial situation is one of no income, no assets, and significant debts. [Doc. 82-1]. The Plaintiff has also filed certified copies of the transactional records from his prison trust funds for the last six months. [Doc. 82-2]. However, the Plaintiff has not stated the nature of the action he intends to pursue on appeal and the reasons for his belief that he is entitled to redress on appeal, see Fed. R. App. P. 24(a)(1)(C) and 28 U.S.C. § 1915(a).

Rule 24 of the Rules of Appellate Procedure requires that parties seeking to proceed *in forma pauperis* file a motion in the district court with an attached affidavit that:

(A) shows in the detail prescribed by Form 4 of the Appendix of

Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

Fed. R. App. P. 24(a)(1).

The Plaintiff's affidavit [Doc. 82-1] does not state the issues he intends to present on appeal, nor does his Motion [Doc. 82]. The Plaintiff has previously filed a Notice of Appeal [Doc. 81], which merely states that he intends to appeal "the judgment on decision by the Court." After examining the Plaintiff's filings, the Court finds that the Plaintiff has failed to state the issues that he intends to appeal, and therefore, the Court finds that he has not fulfilled the requirements for leave to proceed *in forma pauperis*, as outlined in Rule 24 of the Federal Rules of Appellate Procedure. Accordingly, the Court finds that the Plaintiff's Motion [**Doc. 82**] is not well-taken, and it is hereby **RECOMMENDED**¹ that the motion be **DENIED**.

Respectfully Submitted,

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹Any objections to this Report and Recommendation must be served and filed within ten (10) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b), Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. Mira v. Marshall, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. Smith v. Detroit Federation of Teachers, 829 F.2d 1370 (6th Cir. 1987).